

Excerpts
Planning Commission Minutes
June 8, 2005

Application No. ZM-05-05, Marcotte, Inc. Request to amend the York County Zoning Map by reclassifying 1.89 acres from GB (General Business) and R13 (High Density Single-Family Residential) to GB (General Business) subject to voluntarily proffered conditions. The property is located at 1939 George Washington Memorial Highway (Route 17), approximately 350 feet north of its intersection with Production Drive (Route 799) and is further identified as Assessor's Parcel Nos. 36B-3-4a, 37-8c, and 37-8b. The applicant has proffered architectural and landscaping renderings. The property is designated for General Business in the Comprehensive Plan; and

Application No. UP-672-05, Marcotte, Inc: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 12, Nos. 3 & 5) of the York County Zoning Ordinance, to authorize the establishment of an auto repair garage without auto body work and painting on 1.89 acres of land located at 1939 George Washington Memorial Highway (Route 17), approximately 350 feet north of its intersection with Production Drive (Route 799). The properties, further identified as Assessor's Parcel Nos. 36B-3-4a, 37-8c, and 37-8b, are zoned GB (General Business) and R13 (High Density Single-Family Residential) and are designated for General Business development in the Comprehensive Plan.

Mr. Earl Anderson, Planner, presented a summary of the staff report for the combined applications dated June 8, 2005 in which the staff recommended approval of both applications.

Mr. Barba asked if the previous tenant had used the property presently zoned R13. **Mr. Anderson** stated that was the case until they were required by the Code Enforcement officer to cease using it as storage because of its residential nature. Therefore, there is no nonconforming use underway at this time.

Mr. Staton inquired about signage, and **Mr. Anderson** explained the applicant has proffered a monument-type sign.

Ms. Conner asked how many cars the applicant intended to park in front of the building. **Mr. Anderson** said the drawings submitted by the applicant indicate a limited number of parking spaces at the front. The applicant proposes minimal car sales and proposes to park some in the showroom, some in front of and in the rear of the building.

Ms. Conner inquired about the percentage of total revenue the applicant expects from used car sales. **Mr. Anderson** understood used car sales would comprise a minor percentage of revenues but referred the inquiry to the applicant.

Chair Simasek opened the public hearing.

Mr. Simasek pointed out that Mr. Marcotte is proposing a long-term investment and Mr. Simasek favored approval.

Mr. Davis moved proposed Resolution No. PC05-25, which was adopted unanimously.

PC05-25

On motion of Mr. Davis, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO REZONE 1.89 ACRES LOCATED AT 1939 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17), APPROXIMATELY 350 FEET NORTH ITS INTERSECTION WITH PRODUCTION DRIVE (ROUTE 799) FROM GB (GENERAL BUSINESS) AND R13 (HIGH DENSITY SINGLE-FAMILY RESIDENTIAL) TO GB (GENERAL BUSINESS) SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

WHEREAS, Marcotte, Inc. has submitted Application No. ZM-95-05, which requests to amend the York County Zoning Map by reclassifying from GB (General Business) and R13 (High Density Single-Family Residential) to GB (General Business) subject to voluntarily proffered conditions 1.89 acres of property located at 1939 George Washington Memorial Highway (Route 17), approximately 350 feet north its intersection with Production Drive (Route 799) and further identified as Assessor's Parcel Nos. 36B-3-4a (GPIN SO3D-3381-0764), 37-8c (GPIN SO3D-3583-0701), and 37-8b (GPIN SO3D-3632-0790); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of June, 2005, that Application No. ZM-95-05 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from GB (General Business) and R13 (High Density Single-Family Residential) to GB (General Business) 1.89 acres of property located at 1939 George Washington Memorial Highway (Route 17), approximately 350 feet north its intersection with Production Drive (Route 799) and further identified as Assessor's Parcel Nos. 36B-3-4a (GPIN SO3D-3381-0764), 37-8c (GPIN SO3D-3583-0701), and 37-8b (GPIN SO3D-3632-0790) subject to the voluntarily proffered conditions set forth in the applicant's proffer statement, titled "Proffer Statement for Change of Zoning" signed by the contract purchaser of the subject property Charles F. Marcotte, Jr., a copy of which shall remain on file in the Planning Division, and which, upon approval by the

Board of Supervisors, shall be recorded in the office of the Clerk of the Circuit Court pursuant to the requirements of Section 24.1-114(e)(1) of the York County Zoning Ordinance.

Mr. Hamilton moved adoption of proposed Resolution No. PC05-26, which was adopted unanimously.

PC05-26

On motion of Mr. Hamilton, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT AN AUTO REPAIR GARAGE AND AUTO SALES WITHOUT AUTO BODY WORK AND PAINTING LOCATED AT 1939 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

WHEREAS, Marcotte, Inc., has submitted Application No. UP-672-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, Nos. 3 & 5) of the York County Zoning Ordinance, to authorize the establishment of an auto repair garage and auto sales without auto body work and painting on 1.89 acres of land located at 1939 George Washington Memorial Highway (Route 17), approximately 350 feet north its intersection with Production Drive (Route 799), and further identified as Assessor's Parcel Nos. 36B-3-4a (GPIN SO3D-3381-0764), 37-8c (GPIN SO3D-3583-0701), and 37-8b (GPIN SO3D-3632-0790); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of June, 2005 that Application No. UP-672-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of an auto repair garage and auto sales without auto body work and painting on 1.89 acres of land located at 1939 George Washington Memorial Highway (Route 17), approximately 350 feet north its intersection with Production Drive (Route 799), and further identified as Assessor's Parcel Nos. 36B-3-4a (GPIN SO3D-3381-0764), 37-8c (GPIN SO3D-3583-0701), and 37-8b (GPIN SO3D-3632-0790) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of an auto repair garage and used car sales lot without auto body work and painting on 1.89-acres of land located at 1939 George Washington Memorial Highway (Route 17), approximately 350 feet north its intersection with

Production Drive (Route 799) and further identified as Assessor's Parcel No. 36B-3-4a (GPIN SO3D-3381-0764), 37-8c (GPIN SO3D-3583-0701), and 37-8b (GPIN SO3D-3632-0790).

2. A site plan prepared in accordance with the provisions set forth in Article V of the Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any activities on the site. Said site plan shall be in substantial conformance with the plan titled "Sketch of Proposed Use 1939 George Washington Mem Hwy". The plan must delineate the car display area on the site plan with the required parking spaces, pursuant to Section 24.1-606 of the Zoning Ordinance.
3. A subdivision plat prepared in accordance with the provisions set forth in Chapter 20.5 Subdivision Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to commencement of any activity on the site. Said subdivision plat shall vacate all interior property lines combining the three individual lots into one single lot.
4. The auto repair garage and used car sales lot without auto body work and painting shall comply with the performance standards set forth in Sections 24.1-475, *Standards for all motor vehicle and transportation related uses*, and 24.1-477, *Standards for auto fuel dispensing establishments, service station and auto repair garages*, of the Zoning Ordinance
5. The existing southernmost entrance located along George Washington Memorial Highway (Route 17) shall be closed and curbing placed along the interior side of the former entrance so as prevent the movement of traffic from the parcel onto George Washington Memorial Highway (Route 17) at this entrance. The existing southernmost driveway apron shall be removed and the area between the roadway shoulder and the on-site curbing shall be landscaped. The northernmost entrance shall conform to Virginia Department of Transportation standards.
6. The existing building shall be renovated to comply with the terms of the Route 17 Corridor Overlay District, as contained in Section 24.1-378 of the York County Zoning Ordinance.
7. The site shall be landscaped to comply with the proffered landscape plan and the landscape planting standards specified by Section 24.1-242 of the Zoning Ordinance. Side yard plantings shall meet minimum ratios for side yards as specified in Section 24.1-242(h) and shall consist of a minimum of 50% evergreen shrubs with remaining plantings to be a mix of evergreen and deciduous trees. These planting areas shall not be located within any vehicular access/egress easements.
8. Privacy fencing shall be installed as per the proffer for fencing and be constructed of materials approved by the Zoning Administrator to a minimum of six feet in height.
9. Freestanding and building lighting shall be full cut-off fixtures that are shielded and directed downward to prevent off-site illumination. Illumination levels shall not exceed 0.5 foot candle at any exterior property line. All lighting fixtures shall use full cut-off, shielded fixtures and

shall be installed with flat lenses angled level to the ground. All lighting schemes and lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A lighting plan indicating manufacturer's specifications for all fixtures and illumination levels for the development site shall be submitted for review and approval at time of application for site plan approval.

10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

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